

03.10.2024.
Item No. 58.
Court No. 13
ap

**S.A. No. 209 of 2011
With
I.A. No. CAN 5 of 2016 (Old CAN 6189 of 2016)
And
I.A. No. CAN 6 of 2020 (Old CAN 356 of 2020)**

**Monoranjan Chakraborty & Anr.
Versus
Santosh Kumar Jana & Ors.**

Mr. Anit Kumar Rakshit.

...For the appellants.

Re: CAN 5 of 2016

1. Despite service of notice, the respondents are not represented. Affidavit-of-service filed in Court today be taken on record.
2. By an order dated 1st April, 2016, the instant appeal was dismissed by a Co-ordinate Bench of this Court on the basis of the report of the Registry that appropriate postal costs have not been put in by the appellants.
3. There is a delay of about two months in filing the application for recall of this Court's order dated 1st April, 2016. The delay is condoned.
4. However, for the casual attitude on the part of the appellants in failing to put up costs and for not pursuing the application from 2016 till date, this Court is inclined to impose costs as a precondition for recalling the order dated 1st April, 2016.
5. Let the order dated 1st April, 2016 be recalled upon payment of cost assessed at Rs.7,500/- (Rupees seven thousand five hundred only) to the High Court

Legal Services Authority within a period of seven days from date.

6. Upon payment of costs as above and production of evidence, the appellants shall be allowed to put in the requisites, postal costs and speed post charges for service of notice on all the respondents.

7. The quantum of charges shall be indicated to the learned Advocate for the appellants by the Registry of this Court upon receiving the evidence of payment of costs as directed hereinabove to the High Court Legal Services Authority.

8. With the aforesaid directions, the application being CAN 5 of 2016 (Old CAN 6189 of 2016) shall stand disposed of.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)